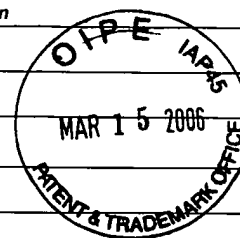


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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
for FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500.00**Complete if Known**

Application Number	10/074,238
Filing Date	February 14, 2002
First Named Inventor	Janne AALTONEN
Examiner Name	Asghar H. Bilgrami
Art Unit	2143
Attorney Docket No.	006071.00001

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____☒ Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Small Entity Fee (\$)

Fee (\$)

Each independent claim over 3 (including Reissues)

Fee (\$)

Fee (\$)

Multiple dependent claims

Fee (\$)

Fee (\$)

Total Claims**Extra Claims****Fee (\$)****Fee Paid (\$)****Multiple Dependent Claims****Fee (\$)****Fee Paid (\$)**

- 20 or HP=

x

=

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

- 3 or HP=

x

=

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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_____ - 100 = _____ / 50 = _____ (round up to a whole number) x

= _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge) : Appeal Brief

\$500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	42,338	Telephone	202-824-3000
Name (Print/Type)	Jordan N. Bodner	Date	March 15, 2006		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Aaltonen -- Appln. No.: 10/074,238
Appeal Brief

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Group Art Unit: 2143

Janne AALTONEN, et al.

Examiner: Asghar H. Bilgrami

Serial No. 10/074,238

Attorney Docket No. 006071.00001

Filed: February 14, 2002

For: METHOD AND APPARATUS FOR ACCESSING DATA

APPEAL BRIEF

U.S. Patent and Trademark Office
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401 Dulany Street
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Sir:

This is an Appeal Brief in accordance with 37 C.F.R. § 41.37 in support of Appellant's December 9, 2005, Notice of Appeal. Appeal is taken from the final Office Action mailed September 9, 2005 (hereafter, "the Final Office Action"). The present paper is filed within one month of the Notice of Panel Decision mailed February 16, 2006, and is therefore timely without requiring an extension of time. Nevertheless, please charge any necessary fees in connection with this Appeal Brief to our Deposit Account No. 19-0733.

REAL PARTY IN INTEREST

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is Nokia Corporation.

RELATED APPEALS AND INTERFERENCES

37 C.F.R. § 41.37(c)(1)(ii)

03/16/2006 SZEWDIE1 00000038 190733 10074238

01 FC:1402 500.00 DA

The present application previously underwent a pre-appeal brief review (as set forth in the Official Gazette notice of July 12, 2005), for which a Notice of Panel Decision was mailed

February 16, 2006. A copy of the Notice is attached hereto in the Related Proceedings Appendix.

STATUS OF CLAIMS

37 C.F.R. § 41.37(c)(1)(iii)

Claims 1-23 are pending and rejected. Claims 24-26 were previously canceled. Appellant hereby appeals the rejection of claims 1-23.

STATUS OF AMENDMENTS

37 C.F.R. § 41.37(c)(1)(iv)

No amendment has been filed subsequent to the Final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

37 C.F.R. § 41.37(c)(1)(v)

In making reference herein to various embodiments in the specification text and drawings to explain the claimed invention, Appellant does not intend to limit the claims to those embodiments; all references to the specification and drawings are illustrative unless otherwise explicitly stated.

Aspects of the present invention are generally directed to accessing data on computer networks, and more particularly to accessing such data via remote terminals. Specification, p. 1, lines 6-7. In conventional systems such as in Fig. 1, a mobile terminal 100 (such as a cellular phone) may browse the Internet by making a point-to-point connection with an Internet service provider (ISP) 114 via a cellular network 112. Specification, p. 4, lines 25-27. While browsing is taking place, the connection between the mobile terminal 100 and the ISP 114 must be maintained until the browsing session is terminated. Specification, p. 4, line 29 to p. 5, line 1. Because the mobile terminal 100 user must pay fees associated with the browsing session, browsing in this manner can be costly. Specification, p. 5, lines 1-4. This is even more true with regard to conventional cellular networks that are relatively slow. Specification, p. 5, line 5.

Referring to the illustrative embodiment of Fig. 2, a broadcast network such as a terrestrial digital video broadcasting (DVB-T) network 224 is provided in addition to a cellular network 212. Specification, p. 5, line 13 to p. 6, line 1. A mobile terminal 200 may browse the

Internet 216 using cellular network 212 via a transceiver 204. In addition, the mobile terminal 200 may have a receiver 222 that receives unsolicited Internet data broadcast via the DVB-T network 224. Specification, p. 6, lines 8-13; p. 7, lines 11-14. The unsolicited broadcast data may include a hyperlink, universal resource locator (URL), or other information that indicates the location of further information on a remote computer. Specification, p. 6, lines 15-17.

Thus, the user may browse the received Internet data and decide whether to make a connection to the Internet via the cellular network 212. Specification, p. 6, lines 13-15. The user may request the further information using the mobile terminal 200. Specification, p. 6, lines 21-22. The requested information may then be sent to the mobile terminal 200 by way of the cellular network 212 or the broadcast network 224. Specification, p. 6, lines 22-23 and 26-27. In this way, the initial data received via the broadcast network is used as a trigger to encourage a user to go online. Specification, p. 6, lines 31-32.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

37 C.F.R. § 41.37(c)(1)(vi)

The sole ground of rejection on appeal is that claims 1-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,108,706 to Birdwell et al. ("Birdwell")

ARGUMENT

37 C.F.R. § 41.37(c)(1)(vii)

1. Claims 1-23 Are Not Anticipated by Birdwell.

The Final Office Action rejects claims 1-23 as being anticipated by Birdwell. Appellant respectfully traverses this rejection for the reasons stated below.

Independent Claim 1, and Dependent Claims 2-8

Birdwell discloses a set of content servers 22, a bidirectional data network 28, a unidirectional broadcast network 30, and a set of clients 24. (Fig. 1; col. 3, lines 10-16; col. 3, lines 23-31). Announcements are submitted by the content servers 22 over the data network 28 to inform the clients 24 of upcoming data transmissions that will be broadcast at a future time over the broadcast network 30. (Col. 5, lines 5-8).

The announcements in Birdwell include information such as identification of the sender, URL, channel, frequency, broadcast time, and broadcast protocol; the clients 24 use this information and launch a receiving application 64 to receive the data transmission at the appropriate time. (Col. 5, lines 15-20 and 40-46). The clients 24 may also use a filter to determine whether announcements meet certain criteria that are of interest. (Col. 5, lines 26-39). The actions taken by the clients 24 are summarized by the flowchart of Fig. 4, which shows that the clients 24 examine an announcement (step 90), determine whether the announcement matches the filter criteria (step 94), and if so, prepare to receive the related broadcast at the scheduled time using the indicated protocol (steps 94 and 96).

Importantly, Birdwell describes how the clients 24 do not (and cannot) request the future broadcasts over unidirectional broadcast network 30:

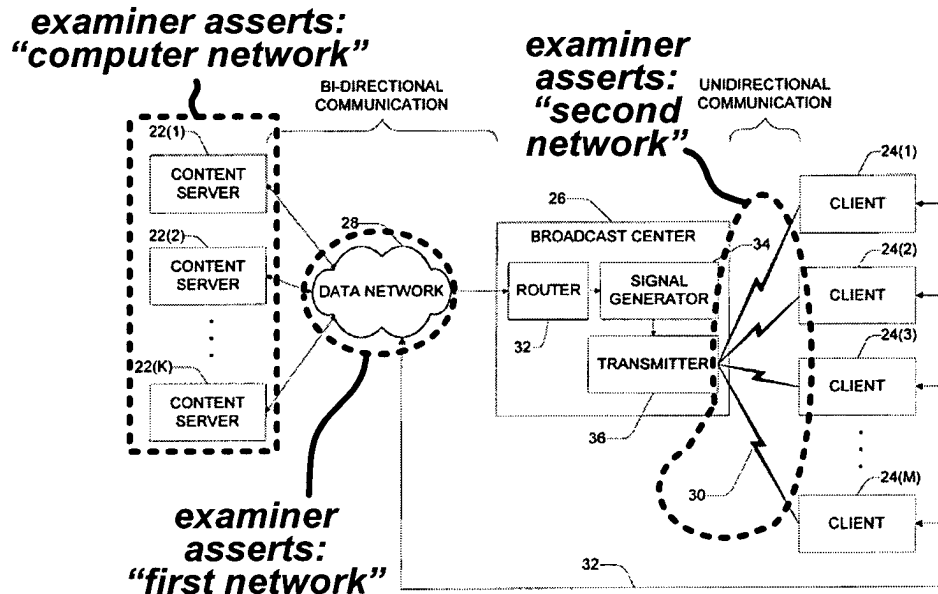
Rather than the clients requesting particular data from the servers, as is customary in conventional data networks but cannot be supported by unidirectional broadcast networks, the servers tell the clients through the announcements what data will be served over the broadcast network at a given time and how to find that data.

Birdwell, col. 5, lines 8-14. Nor does Birdwell teach or suggest that the network would respond by providing the future broadcast based on any supposed request by the clients 24. To the contrary, the future broadcast will occur only according to the schedule. Thus, Birdwell operates in a manner similar to how one typically programs a VCR to record a television show at a pre-scheduled time; a schedule is broadcast and the VCR is set to record at the scheduled time on the scheduled channel.

In contrast, claim 1 recites steps including receiving, via a second network, unsolicited information from a computer network, wherein the information contains an identifier identifying further information on the computer network, and requesting, via a first network, further information from a computer network, wherein the further information is based on a received identifier. As summarized above and as will be further explained, the clients 24 of Birdwell are strictly passive and do not perform the claimed step of requesting.

The Examiner attempts to compare: a) the claimed computer network with the content servers 22 of Birdwell, b) the claimed first network with the data network 28 of Birdwell, and c) the claimed second network with the broadcast network 30 of Birdwell. To the best of

Appellant's understanding, the Examiner is also asserting that the clients 24 perform the claimed receiving and requesting steps. The Examiner's comparison is summarized in the following annotated Fig. 1 of Birdwell:



Again, in Birdwell, clients 24 receive announcements and broadcasts but do not make any requests. (Col. 5, lines 8-14). The clients 24 do not request the claimed further information because there is no need for such a request. Instead, the clients 24 passively filter incoming data from broadcast network 30 at pre-scheduled times. The clients 24 do this passively because "[t]he clients are unable to reply or initiate communication to the broadcast center 26 using the broadcast network 30." (Birdwell, Fig. 1; col. 3, lines 26-31). Since the future broadcast will automatically occur at a pre-scheduled time, the clients 24 simply decide whether or not to tune into the broadcast transmission at that pre-scheduled time. (Birdwell, col. 5, lines 40-46). In other words, the broadcast transmission will occur regardless of any action that one of the clients might take. Each client simply decides whether or not it will listen to the broadcast.

This difference between Birdwell and claim 1 is straightforward; it seems to Applicant that the col. 5, lines 8-14, excerpt from Birdwell (quoted above), for example, should by itself dispose of the rejection.

Instead of addressing these differences, the Examiner responds with general statements such as that a reference should be read from the perspective of one of ordinary skill in the art (the Final Office Action, pp. 4-5, paragraph 15). The Examiner also refers to how a conclusion of obviousness is reached (*Id.*), which is confusing and irrelevant since the rejection asserts that Birdwell anticipates claim 1. The Examiner's response is unsatisfactory and clearly has not even attempted to address the above differences between Birdwell and claim 1. No amount of interpretation by one of ordinary skill in the art changes the fact that the clients 24 of Birdwell do not perform the claimed request.

The Examiner further points out that "Birdwell in the background section of the art discloses bi-directional data requests from the clients to the servers (col. 1, lines 21-49)." (the Final Office Action, p. 5, paragraph 17). This argument, also, is unsound and irrelevant. The cited excerpt is of the background of Birdwell, which refers to other networks different from the network of Fig. 1 of Birdwell asserted by the Examiner. The Examiner may as well be pointing to a completely different reference. The Examiner is apparently attempting to jam together features from different networks in some unidentified manner and according to some unidentified motivation. Moreover, a proposed modification of an asserted reference (in this case, the network of Fig. 1 in Birdwell) is legally inconsistent with an anticipation rejection.

The Examiner goes on to argue that the term "device," rather than "client," is recited in the claims, and that a server as described by Birdwell is a device. (the Final Office Action, p. 5, paragraph 17). Appellant agrees but does not understand the relevance of this. Appellants inquired about this argument during the telephone interview with the Examiner on October 31, 2005, however the Examiner was unable to provide any clarification. Appellant inquired during the telephone interview whether perhaps the Examiner was implying that devices in Birdwell other than clients 24 could perform the claimed method. The Examiner was unable to confirm or deny whether this was his position. If so, such a position still would not support the rejection. Birdwell does not teach or suggest that the content servers 22, for example, request further information based on a received identifier, as claimed.

For completeness, Appellant inquired during the telephone interview whether the Examiner perhaps was asserting secondary link 32 (Fig. 1 of Birdwell) as part of the structure allegedly anticipating claim 1, but again no confirmation or denial was provided. In any event,

Birdwell discloses that the announcements may be sent over the secondary link 32 or posted at a publicly accessible location on the network 28, such as at a Web site on the Internet. (Birdwell, col. 5, lines 58-67). However, as pointed out by Appellant during the telephone interview, this does not teach or suggest that the clients 24 (or any other device) send a request, over the secondary link 32, for further information based on the claimed received identifier.

Claim 1 is therefore allowable over Birdwell for at least the reasons discussed above. Dependent claims 2-8 are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

Independent Claim 9, and Dependent Claims 11-23

Independent claim 9 is also allowable over Birdwell for at least similar reasons as those discussed above with regard to claim 1, and further in view of the differing recitations therein.

For instance, claim 9 recites a communication device having a receiver for receiving, via a second network, unsolicited information from a computer network, wherein the information contains an identifier identifying further information on the computer network; and a transceiver for requesting, via a first network, further information from the computer network, wherein the further information is based on the received identifier.

To the extent that claim 1 may be interpreted to include a method where different steps can be performed by different devices in a network, claim 9 explicitly recites that a single device has both the claimed receiver and transceiver. Accordingly, Birdwell, even more so, does not anticipate; any particular one of the clients 24 of Birdwell, as discussed previously, does not have a transceiver for requesting further information based on a received identifier, as recited in claim 9. As previously explained, the clients 24 are purely passive in that they tune to a future pre-scheduled broadcast without the need, or ability, to transmit a request for the future broadcast.

Claim 9 is therefore allowable over Birdwell for at least the reasons discussed above. Dependent claims 11-23 are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

Dependent Claim 10

Claim 10 further recites that the transceiver of claim 9 is adapted to receive the further information via the first network. However, the Examiner compares the claimed first network with the network 28 of Birdwell. As previously discussed, the clients 24 receive future broadcasts via the broadcast network 30. (Birdwell, col. 5, lines 5-8). Thus, in Birdwell the clients 24 do not receive the future broadcasts over the claimed first network, which is alleged to be the network 28. Therefore, claim 10 is allowable over Birdwell for at least this further reason.

Interestingly, the Examiner also rejects claim 11 on the same basis, which recites that the further information is received via the *second network*. The Examiner cannot have it both ways.

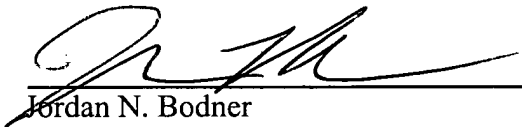
CONCLUSION

For all of the foregoing reasons, Appellant respectfully submits that the final rejection of claims 1-23 is improper and should be reversed.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: March 15, 2006

By: _____


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CLAIMS APPENDIX
37 C.F.R. § 41.37(c)(1)(viii)

Claims involved in the appeal:

1. A method of accessing information on a computer network on a communication device, the device being capable of communicating with a first communications network and receiving a signal from a second communications network, the method comprising:

receiving, via the second network, unsolicited information from the computer network, wherein the information contains an identifier identifying further information on the computer network;

requesting, via the first network, further information from the computer network, wherein the further information is based on the received identifier; and

receiving the further information via one of the first or second networks.

2. The method of claim 1, wherein the second communications network is a broadcast network, and wherein the step of receiving via the second network is adapted for receiving via the broadcast network.

3. The method of claim 1 or 2, wherein the first communications network is a telecommunications network, and wherein the step of receiving the further information is adapted for receiving the further information via the telecommunications network.

4. The method of claim 1 or 2, wherein the step of receiving the further information is adapted for receiving the further information via the broadcast network.

5. The method of claim 1 or 2, wherein the unsolicited information contains a content identifier, further comprising storing, on the device, a list of content identifiers of interest.

6. The method of claim 5, further comprising filtering the received unsolicited information to remove any information not having a content identifier in the list of content identifiers.

7. The method of claim 1 or 2, wherein the second communication network is digital video broadcast terrestrial (DVB-T) network, and wherein the steps of receiving via the second network are adapted for receiving via the DVB-T network.

8. The method of claim 1 or 2, wherein the first communication network is a cellular network, and wherein the step of receiving via the further information is adapted to receive via the cellular network.

9. A communication device for accessing information on a computer network, the device capable of communicating with a first communications network and receiving a signal from a second communications network, the device comprising:

a receiver for receiving, via the second network, unsolicited information from the computer network, wherein the information contains an identifier identifying further information on the computer network; and

a transceiver for requesting, via the first network, further information from the computer network, wherein the further information is based on the received identifier.

10. The device of claim 9, wherein the transceiver is adapted to receive the further information via the first network.

11. The device of claim 9, wherein the receiver is adapted to receive the further information via the second network.

12. The device of claim 9, 10 or 11, wherein the second communications network is a broadcast network, and wherein the receiver is adapted to receive the unsolicited information via the broadcast network.

13. The device of claim 9, 10, or 11, wherein the first communication network is a telecommunications network, and wherein the transceiver is adapted for use with the telecommunications network.

14. The device of claim 9, 10, or 11, wherein the unsolicited information contains a content identifier, and further comprising a memory for storing, on the device, a list of content identifiers of interest.

15. The device of claim 14, further comprising a filter for filtering the received unsolicited information to remove any information not having a content identifier in the list of content identifiers.

16. The device of claim 9, 10, or 11, wherein the second communication network is digital video broadcast terrestrial (DVB-T) network, and wherein the receiver is adapted to receive via the DVB-T network.

17. The device of claim 9, 10, or 11, wherein the first communication network is a cellular network, and wherein the transceiver is adapted for use with the cellular network.

18. The device of claim 9, 10, or 11, wherein the communication device is a portable communication device.

19. A system for accessing information on a computer network using a device as claimed claim 9, 10, or 11.

20. The system of claim 9, 10, or 11, further comprising a database of user profiles for storing a list of information categories determined to be of interest to the users.

21. The system of claim 20, further comprising a broadcast transmitter for transmitting information from the computer network to users determined to be interested in the information.

22. A method of distributing information using the system of claim 19.

23. A method of distributing information for use with the device of claim 9.

EVIDENCE APPENDIX
37 C.F.R. § 41.37(c)(1)(ix)

NONE




Aaltonen -- Appln. No.: 10/074,238
Appeal Brief


RELATED PROCEEDINGS APPENDIX

37 C.F.R. § 41.37(c)(1)(x)

Below is a copy of the Notice of Panel Decision mailed February 16, 2006:

Application Number 	Application/Control No. 10/074,238	Applicant(s)/Patent under Reexamination AALTONEN ET AL.	
	Bunjib Jaroenchanwanit	Art Unit 2152	
Document Code - AP.PRE.DEC			

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 12/09/2005.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other: _____

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-23.
Claim(s) withdrawn from consideration: _____


3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Bunjib Jaroenchanwanit

(2) David Wiley

(3) Asghar Bagrami 

(4) _____

BUNJOB JAROENCHANWANIT
SUPERVISORY PATENT EXAMINER

U.S. Patent and Trademark Office Part of Paper No. 20060213